



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Twenty-fourth session

Summary record of the 315th meeting

Held at the Palais des Nations, Geneva, on Friday, 15 April 2016, at 10 a.m.

Chair: Mr. Brillantes

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (continued)

Initial report of Turkey (continued) (CMW/C/TUR/1; CMW/C/TUR/QPR/1)

1. *At the invitation of the Chair, the delegation of Turkey took places at the Committee table.*
2. **Mr. Çarıkçı** (Turkey), replying to questions raised at the previous meeting (CMW/C/SR.314), said that, in order to diversify and improve the country's consular services abroad, the Ministry of Family and Social Policies had started establishing offices outside Turkey with a view to assisting Turkish citizens abroad and evaluating social policies in their countries of residence. The Ministry of Foreign Affairs also closely monitored the problems faced by Turkish migrants abroad in order to prevent their isolation and encourage their participation in society. Consular call centres operated around the clock to support both Turkish citizens abroad and foreigners residing in Turkey in the event of emergencies, natural disasters or conflict. Its 40 staff were well informed about consular affairs and assistance was provided in five foreign languages, in addition to Turkish. Turkish nationals living in North America, Germany, Austria, the United Kingdom, the Netherlands and France were not charged an international fee for calling the centres. In late 2014, a consular automation project had been launched in order to provide faster and more efficient services and enable citizens abroad to easily locate useful information and monitor electronic passport applications online.
3. Turkey attached great importance to ensuring that all citizens could vote. A legal amendment introduced in 2012, therefore, had enabled all Turkish citizens living abroad to vote in national elections at polling stations set up in their countries of residence. They could also vote at customs offices. As a result, turnout among Turkish citizens living abroad had stood at 36 per cent in the June 2015 elections and 45 per cent in the November 2015 elections.
4. With regard to the link between migration and development, he said that the human tendency to migrate in search of education and employment was conducive to progress. If managed well, migration could contribute greatly to sustainable development through the transfer of skills and knowledge. Turkey had played an important role in ensuring that migration issues were included in the 2030 Sustainable Development Agenda, while the eighth Global Forum on Migration and Development held in Istanbul under the chairmanship of Turkey had provided an opportunity to discuss migration and sustainable development.
5. Turkey had intensified efforts to prevent irregular migration and trafficking in persons by sea and was implementing specific operations in the Mediterranean and Aegean Seas, for which €5 million were allocated monthly from the national budget. Border controls had been strengthened and special departments had been established under the Ministry of the Interior to deal with migrant smuggling. Such action greatly facilitated the identification and rescue of irregular migrants and the arrest of migrant smugglers.
6. With regard to international human right instruments, he said that his Government was continuing its internal evaluation concerning the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances. Turkey had signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2012 and had started the ratification process, which had been delayed by a change in the composition of the parliament but was almost complete.

7. **Ms. Kural** (Turkey) said that, although Turkey retained its geographical limitation under the Convention relating to the Status of Refugees, whereby nationals from non-European countries could not apply for refugee status in Turkey, such persons could reside in Turkey on humanitarian grounds pending readmission to a third country.
8. **Mr. Ersöz** (Turkey) said that Turkish law did not contain a specific definition of seasonal workers, but such workers enjoyed the same rights and were subject to the same obligations as Turkish citizens. Some seasonal workers, for example those working in the tourism sector, were eligible for a work permit exemption.
9. To combat child labour, the Ministry of Labour and Social Security was cooperating with the International Labour Organization (ILO) and various other national and international organizations. The country operated a strong control network and always took immediate action to address allegations of the use of child migrant labour.
10. The Turkish Government consulted with academics and representatives from non-governmental organizations (NGOs) and the public authorities on its migration policy and had established a migration advisory board and a migration policies board. The Act on Foreigners and International Protection and the Act on Work Permits of Foreigners, which introduced a number of new rights for migrant workers, were in line with the Convention.
11. **Mr. Sevim** (Turkey) said that, following an amendment of the Act on Trade Unions and Collective Agreements to permit foreign nationals were to be founding members of trade unions, Turkey had initiated the process to ratify articles 5 and 6 of the European Social Charter. That process would be finalized shortly. The Government was working on removing its reservations to articles 15, 40, 45 and 46 of the Convention and would assess the steps to be taken in order to make the declarations provided for in articles 76 and 77. It was also looking into ratifying the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).
12. Turkey implemented a policy of voluntary return for Turkish migrants abroad. Most of those who returned were retired and maintained family and administrative ties with the countries from which they had come. Turkey had signed treaties with those countries to avoid double taxation for persons with dual citizenship. Upon returning to Turkey, such people enjoyed easy access to the social security system and free, high-quality health care. The warm climate and good standard of living were the main reasons that many Turkish citizens chose to return to the country.
13. **Ms. Alp** (Turkey) said that the Ombudsman Institution was a relatively new body that received complaints from natural and legal persons, including foreigners, regardless of their administrative status. It had received 4 complaints from foreigners in 2013, 6 in 2014, 12 in 2015 and 3 since the beginning of 2016. Most had related to problems concerning visas and residence permits, the failure to obtain citizenship, the introduction of the entry ban, difficulties in lodging asylum claims, conditions in accommodation and removal centres and the requirement for refugees to reside in satellite cities. In the majority of cases, administrative action had been taken or the claims had been deemed inadmissible. Specific complaints concerning Aşkale deportation centre were also being investigated. There was a six-month deadline for the investigation of complaints and all applicants were informed in writing about the forms of legal recourse available to them, even when their claims were judged inadmissible. The Institution was a fully independent, public legal entity whose officials were elected by the Grand National Assembly. It had visited various camps and removal centres in which Syrians were being accommodated and planned to prepare a special report on Syrians under temporary protection in Turkey. Efforts were being made to increase awareness of the Institution and relevant projects were being implemented with the support of the United Nations and the European Union. She took note, with appreciation of

a suggestion made by Ms. Dzumhur concerning the distribution of information leaflets to residents of accommodation and removal centres.

14. The National Human Rights Institution also received complaints relating to human rights abuses. However, unlike the Ombudsman Institution, it was able to investigate violations without receiving a complaint. Furthermore, having been designated the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it was authorized to make unannounced visits to facilities where people were deprived of their liberty.

15. **Mr Ulutaş** (Turkey) said that all foreign nationals detained in Turkey after having committed an offence were subject to Turkish law. Under the Attorneyship Act, free legal representation was available, if necessary, to persons under temporary protection. The Act on Foreigners and International Protection stipulated that all foreign citizens against whom administrative action was to be taken should be informed of their rights and responsibilities and of the possibilities for legal recourse.

16. During the drafting of the Act, the views of the European Union Harmonization Committee and various Turkish ministries had been sought. Under the Constitution, international conventions prevailed over domestic laws. Turkey was a party to a large number of human rights conventions, which had been invoked in numerous court decisions.

17. The Association of Judicial Unity had been established as the largest association of judges and public prosecutors in Turkey and would be organizing a meeting in Istanbul in April 2016 to address issues relating to migration, human rights, rulings of the European Court of Human Rights, smuggling and trafficking. Migration research centres had been set up at various hospitals and universities and a large number of academic articles relating to migration had been published.

18. **Mr. Kara** (Turkey) said that, under the Code of Criminal Procedure, deceased persons were usually identified by a relative or another person who knew them. An autopsy could then be conducted by a team of experts in the presence of a representative of the Ministry of Justice and a judge. Autopsies could also be conducted by physicians. If a person's body had to be disinterred, a court decision was required and the person's relatives had to be informed. All the proceedings were recorded on video. In civil cases, the identification procedure was identical for Turkish and foreign citizens.

19. **Ms. Bilen** (Turkey), replying to a question relating to cooperation and coordination on migration management, said that the Act on Foreigners and International Protection had established various temporary bodies such as the Migration Advisory Board, the Coordination Board on Combating Irregular Migration and committees to evaluate migratory flows and draw up migration policies. Those bodies included representatives from academia, the public sector and NGOs. There was also an international protection assessment commission, which included members of the Ministries of Justice and Foreign Affairs and was chaired by the Directorate-General of Migration Management. A peer-reviewed journal on Turkish migration studies was published by a migration research centre and academics and persons working in the field held joint conferences on a monthly basis.

20. Under the Directive on Removal Centres, centre residents were provided with three free meals a day and personal hygiene equipment. Prior to admission, they were given a medical examination and a health report was issued. Efforts were made to ensure that children remained with their families and children's playgrounds had been set up at a number of centres. Unaccompanied children were held at facilities established by the Ministry of Family and Social Affairs and their best interests were always taken into account.

21. People living in removal centres had the legal right to consult a lawyer, use the telephone, receive visitors and apply to the authorities in their countries of origin and the best interests of children were always observed. Measures had been taken to improve the quality and capacity of removal centres and such efforts would continue under the new Removal Centres Project.
22. The Act on Foreigners and International Protection referred to "harmonization" rather than "integration" or "assimilation" and called for mutual understanding and voluntary interaction between migrants and the rest of society. It aimed to ensure that migrants were able to gain easy access to the labour market and social support mechanisms and thus play an active part in Turkish society. In that regard, she drew attention to the Harmonization Strategy Paper and National Action Plan that had been developed in cooperation with the International Organization for Migration.
23. The temporary protection of Syrians in Turkey was not subject to a time restriction. Measures were being taken to reunite Syrian families in Turkey.
24. The Act on Foreigners and International Protection had been drafted with the full participation of civil society. According to the Act, persons under international protection could be subject to administrative obligations such as compulsory residence in a specific location.
25. **Mr. Öksüz** (Turkey) said that education was available without discrimination to all foreign nationals. Syrian and Iraqi refugees were provided with formal and non-formal education in temporary education centres. Classes were taught in their mother tongues in order to bridge the education gap they faced as a result of conflict in their countries of origin and to help them maintain cultural ties with those countries. Turkish language classes were also provided to ensure their social harmonization. There was no gender-based discrimination in the education system and the majority of teachers were women.
26. **Mr. Ceriani Cernadas** (Country Rapporteur) said that the State party was to be congratulated on its efforts to save migrants attempting to reach Greece by sea and highlighted the need for international cooperation in that regard. He asked what steps had been taken to strengthen maritime search and rescue services and what forms of cooperation had been established with other countries on the issue of the identification of corpses and the subsequent notification of family members.
27. Information on the average length of detention of migrants in removal centres would be welcome. He asked whether detainees in such centres had access to free legal assistance in practice, whether the lawyers providing such assistance had received training on questions of asylum, the right to liberty and the Convention and whether they operated within removal centres. He asked whether there had been cases in which such lawyers had helped detainees to lodge appeals against detention with the criminal courts of peace and, if so, whether those appeals had been successful, whether migrant families with children were placed in open facilities rather than removal centres and if not, whether removal centres were equipped with play areas for children and whether child protection agencies maintained a permanent presence in such establishments.
28. He asked whether unaccompanied children housed in open child-protection facilities could obtain a renewable residence permit on humanitarian grounds or be allocated a guardian, whether civil society organizations could enter detention facilities and, if so, whether they had to fulfil any requirements prior to entry.
29. He also asked whether migrants returned to Turkey under an agreement with the European Union were informed of their right to seek asylum in Turkey, whether they could apply for a residence permit and whether they were taken to removal centres or reception facilities.

30. He wished to know what role civil society bodies had played in the preparation and implementation of an agreement with the European Union on the return of irregular migrants, whether implementation by Turkey of the Convention relating to the Status of Refugees was limited by nationality of origin and whether persons with temporary protection status could apply for refugee status. He asked whether Syrian refugees applying for work permits must first obtain a job offer or contract, whether such permits were automatically issued to persons with temporary protection status and whether it were true that, since early 2016, the Turkish authorities had been directly refusing entry to displaced persons at the border with Syria. Lastly, he asked whether an investigation had been carried out into allegations that 16 Syrian nationals had been shot dead by the Turkish security forces at the Ras al-Ain border crossing between January and March 2016.

31. **Mr. Kariyawasam** (Country Rapporteur), after commending the high level of expertise displayed by the delegation of Turkey, said that, when preparing the Act on Foreigners and International Protection, the Turkish authorities should have drawn more extensively on the Convention. He asked what efforts had been made to disseminate information on the Convention, both within Turkey and among the Turkish diaspora, and to provide training and information on the instrument in different languages. He asked whether irregular migrant workers could regularize their situation under the Irregular Migration Strategy Paper and National Action Plan.

32. Information on any measures taken to prevent gender-based violence and to investigate and stamp out corruption among immigration and police officials would be welcome. It was important to collect detailed data on the status of irregular migrants, disaggregated by sex, age, nationality and status. The Committee had been informed that school dropout rates among Syrian migrant children over the age of 8 years were extremely high and he asked what measures had been taken to remedy that situation. He also asked what was being done to regulate and monitor the activities of private recruitment agencies and to prevent them from hiring irregular migrant workers. He asked whether it was true that victims of trafficking in persons were sometimes prosecuted or whether such victims were offered protection by the national authorities. Any future national action plan on migration management should take the Convention into account.

33. **Mr. Tall** asked the members of the delegation for their views on the distressing plight of irregular migrants in transit through Turkey, as highlighted in the media. He read several excerpts from a book by Mr. Arthur Frayer-Laleix on that subject entitled *Dans la peau d'un migrant — De Peshawar à Calais, enquête sur le "cinquième monde"* (In a migrant's shoes — From Peshawar to Calais, an investigation into the "fifth world") and drew attention to the difficulties faced by African women subjected to sexual abuse at the hands of Turkish employers. He asked what measures had been taken to maintain appropriate services to deal with questions concerning international migration of workers and to exchange information, consultation and cooperation with the competent authorities of other States parties involved in such migration. Information on appeals against detention orders and the suspension of expulsion orders pending appeal would be welcome.

34. **Ms. Dicko** asked whether there was a specific body competent to issue licences to and monitor the activities of private recruitment agencies and, if so, whether that body could also withdraw licences. She would also welcome information on Turkish migrant workers resident abroad, particularly in Africa, and on the sectors in which they worked.

35. Ms. Dzumhur said that the State party should provide information on domestic legislation relating to access to legal aid for migrant workers. Unlike the Ombudsman Institution, the Human Rights and Equality Institution had not been set up in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) because its members were not elected by the legislative branch. She asked why the Human Rights and Equality Institution had been made the national preventive mechanism, given that, under the Optional Protocol to the Convention against Torture, such mechanisms should be independent. She asked which of the two bodies had a mandate to accept appeals and complaints from Turkish citizens and migrants alike, to raise the issues of the constitutionality and the alignment with relevant international standards of legislation on issues relating to migrants and to raise procedural issues with the courts, in order to avoid cases having to be taken to the European Court of Human Rights.

36. Ms. Ladjel asked to what extent the national security services were involved in preventing violence against migrant women and children.

37. The Chair said that he would welcome information on the amount of aid received by Turkey in order to fund relief work targeting displaced persons.

The meeting was suspended at 12.15 p.m. and resumed at 12.40 p.m.

38. Mr. Çarlıkçi (Turkey) said that Günter Grass had written a book about the experiences of Turkish migrant workers in Germany entitled *Ganz unten* (Lowest of the Low), which addressed themes similar to those raised in the book referred to by Mr. Tall. Media reports on the situation of migrants in Turkey were not always reliable. Despite being faced by a major influx of displaced persons at a time of heightened tension, Turkey had not adopted a security-based approach to immigration.

39. The Committee members had failed to raise the important issues of stereotyping, Islamophobia, xenophobia and racism in the context of the current refugee crisis. In Europe, migrants and refugees were being portrayed as both a security issue and an ideological threat and were being denied international protection as a result. Global inequalities and economic disparity lay at the heart of the large-scale movement of migrants and must be addressed through enhanced international cooperation and the effective realization of all human rights. Reports of shootings on the border with Syria were completely untrue. Despite setting global migration management standards when dealing with the influx of displaced persons from Syria and receiving praise from high-ranking United Nations officials and foreign politicians for its actions in that regard, the Turkish Government had been criticized by other parties, who could themselves do much more to address the issue. It was only in 2015 that the international community had begun to take an interest in the plight of migrants attempting to cross the Aegean Sea. Turkey had taken in millions of displaced persons and was providing maritime search and rescue services over a huge area. The United Nations Special Rapporteur on the human rights of migrants, Mr. François Crépeau, had said that the only way to reduce migrant smuggling was to take over the market by offering regular, safe and cheap mobility solutions.

40. Significant efforts had recently been made to strengthen the Human Rights and Equality Institution and an application for its accreditation had been made to the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, which would consider the issue at its May 2016 session. A revised version of the law founding the Institution had recently been enacted, strengthening that body's institutional capacity and establishing a number of regional offices.

41. **Mr. Ulutaş** (Turkey) said that a central coordination and cooperation unit had been set up within the Ministry of Justice to coordinate efforts, in close cooperation with local prosecutor's offices, to identify the corpses of migrants. Procedures and methods for dealing with the deaths of foreign nationals were set out in a general directive of 31 October 2011. Turkey was party to the Vienna Convention on Consular Relations and implemented article 37 of that instrument on information in cases of death. Following autopsies on foreign nationals, the relevant consulate was notified. Furthermore, as a party to the International Arrangement concerning the conveyance of corpses, Turkey shared information on corpse identification and autopsies with the other parties to that instrument, made use of the latest scientific techniques and cooperated with the International Criminal Police Organization (INTERPOL) in that regard. Turkey cooperated fully with the European Court of Human Rights; the number of cases involving Turkey before that body had fallen from 16,800 to fewer than 8,000. According to his information, Turkey ranked fortieth out of the 47 Council of Europe member States in the number of applications pending before the European Court of Human Rights, with 0.21 applications per 10,000 inhabitants in 2014. As of 23 September 2012, individual applications could be lodged with the Constitutional Court. The European Court of Human Rights had issued a related decision on 14 May 2013 in the case of *Hasan Uzun v. Turkey* confirming that right.

42. **Ms. Manav** (Turkey) said that Act No. 6284 on the protection of the family and the prevention of violence against women was in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence and made provision for action against perpetrators by police officials, public prosecutors and the courts. Victims of such violence were not prosecuted and were not discriminated against on the grounds of nationality. No legal action was taken against the victims of trafficking in persons.

43. **Mr. Ersöz** (Turkey) said that labour inspectors, other public officials and police officers carried out inspections of workplaces to check that employers were not employing irregular migrant workers and could impose administrative sanctions, issue fines and even close down establishments. Displaced persons wishing to obtain a work permit were required to have been registered in Turkey for at least six months beforehand and to have a temporary protection certificate, could work in the city where they had been granted permission to reside, could apply for jobs or become self-employed and had the same rights and responsibilities as Turkish nationals under domestic labour and social security legislation. The Labour Agency of the Ministry of Labour and Social Security was responsible for monitoring the activities of recruitment agencies and issuing sanctions where necessary.

44. **Mr. Sevim** (Turkey) said that, in 2013, there had been 1,225 Turkish nationals in Gabon, 846 in Guinea, 1,854 in Libya and 1,131 in Algeria. Previously, there had been more than 20,000 Turkish citizens resident in Libya, mainly working in the construction sector. The number of Turkish workers resident in Africa and the Arab Gulf States was expected to rise in the future.

45. **Mr. Çarıkçı** (Turkey) said that all the questions on migration management had been answered. To date, Turkey had spent US\$ 10 billion on the refugee crisis from its own funds and had received only US\$ 462 million from the international community for that purpose. The European Union had undertaken to provide €3 billion for future projects targeting displaced Syrian nationals, along with a further €3 billion once the first tranche of financial aid had been exhausted.

46. **Mr. Ceriani Cernadas** said that he was grateful to the delegation of Turkey for the information that it had provided in the limited time made available to it. Full implementation of the Convention by Turkey would serve to encourage other countries.

47. **Mr. Çarıkçı** (Turkey) said that the questions and comments of the Committee members had been duly noted and would serve as a basis for the analysis by his Government of national efforts to implement the Convention.

48. **The Chair** said that the dialogue with the delegation of Turkey had been a fruitful one, providing insights into the situation of migrant workers in Turkey and Turkish migrant workers resident abroad. He commended the Turkish authorities for their efforts to implement the Convention and encouraged them to take measures to address the Committee's recommendations, once they had been issued.

The meeting rose at 1.05 p.m.